

Remarks

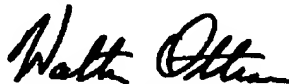
Claims 2, 4, 5, 9 to 11 and 13 are amended. Claims 1 to 14 are pending in this application of which claims 1 and 12 to 14 are in independent form. Claims 1, 12 and 14 are allowed.

Claims 2 to 11 were rejected under 35 USC 112, second paragraph, as being indefinite because numerous limitations such as "the accelerator pedal" and "the throttle flap" in claim 2 had insufficient antecedent basis in the claims. Accordingly, the claims are amended to provide the antecedents needed so that they should now all be definite as required by the statute.

Claim 13 was rejected under 35 USC 101 because the claimed invention was directed to non-statutory subject matter. Accordingly, claim 13 is amended herein to embody a tangible medium and now recites that the program carries out the method set forth in claim 13 when run on a computer. In this way, claim 13 should now be allowable in view of *In re Beauregard*, 35 USPQ 2d 1383, wherein it is noted that computer programs embodied in a tangible medium are patentable subject matter under 35 USC 101.

The claims were not otherwise rejected so that the application should now be in condition for allowance.

Respectfully submitted,



Walter Ottesen  
Reg. No. 25,544

Walter Ottesen  
Patent Attorney  
P.O. Box 4026  
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

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